

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

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UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Civil Action No. 00-1827

Plaintiff,

Judge Cercone

v.

DAVID W. BUTLER,

Defendant.

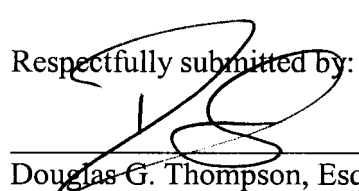
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**DEFENDANT'S AMENDED MOTION FOR AN AWARD  
OF ATTORNEYS' FEES AND EXPENSES**

Defendant David W. Butler hereby moves this Court for an award of attorneys' fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412. In support thereof, Defendant submits the attached Memorandum in Support of Amended Motion for an Award of Attorneys' Fees and Expenses, as well as the Second Declaration of Donald J. Enright. For the reasons set forth therein, Defendant requests this Court grant Defendant's Amended Motion for an Award of Attorneys' Fees and Expenses.

Date: August 3, 2005

Respectfully submitted by:



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Douglas G. Thompson, Esq.  
Donald J. Enright, Esq.  
FINKELSTEIN, THOMPSON & LOUGHRAN  
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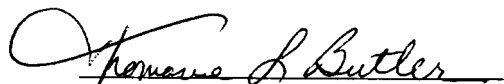
**CERTIFICATE OF SERVICE**

I, Thomasine L. Butler, hereby affirm and attest under penalty of perjury that a copy of Defendant David W. Butler's Amended Motion for an Award of Attorneys' Fees and Expenses, the supporting Memorandum of Law and [Proposed] Order, and the Second Declaration of Donald J. Enright and all exhibits appended thereto were served by United States Mail upon:

Catherine Pappas, Esq.  
United States Securities and Exchange Commission  
Mellon Independence Center  
701 Market Street, Suite 2000  
Philadelphia, PA 19106

Timothy N. McGarey  
Office of General Counsel  
U.S. Securities and Exchange Commission  
100 F Street, NE  
Washington, DC 20549

Sworn and subscribed this \_\_ day of August, 2005.

  
Thomasine L. Butler